

1998 Report

Division of State Court Administration

Introduction

The Division of State Court Administration assists the Indiana Supreme Court in the administration and management of Indiana's judicial system. The Division was established by statute, Indiana Code 33-2.1-7-1, and is under the direct authority of the Chief Justice. Duties of the Division are assigned by the Supreme Court and the General Assembly. Following are some of the responsibilities and accomplishments of the Division during 1998.

Statistics

Pursuant to Indiana Code 33-2.1-7-3 and Administrative Rules 1 and 2, the Division collects and publishes information on the caseload and fiscal activities of all courts and probation offices throughout the state. The data is published annually in a multi-volume report entitled The Indiana Judicial Report and The Indiana Probation Report. This data provides empirical information which is used for policy decisions by the Indiana Supreme Court and the Indiana General Assembly.

Legal Responsibilities

The majority of the legal responsibilities of the Division staff are assigned by the Supreme Court and the Chief Justice. The Division legal staff serves as counsel to the Supreme Court in all matters involving attorney discipline and all requests for the appointment of special judges, special masters, and senior judges. In 1998, Division legal staff assisted the Supreme Court in disposing of seventy-one disciplinary matters and one contempt matter. In thirty-six cases, a per curiam opinion was issued. As part of this disciplinary function, Division staff conducts preliminary investigations of disciplinary grievances filed against members and staff of the Indiana Supreme Court Disciplinary Commission, as well as requests for review of decisions by the Disciplinary Commission and the Indiana Commission on Judicial Qualifications.

Supreme Court rules governing the method of special judge selection call for the establishment of local rules for such selection and certification to the Supreme Court in certain unusual circumstances. The Division maintains and monitors all local rules establishing plans for special judge selection, and reviews and processes requests for the appointments of special judges by the Supreme Court. In 1998, 165 new requests for special judge appointments were reviewed.

The managerial and administrative responsibilities of trial judges is affected by a growing number of federal and state laws, rules and regulations. Since 1996, Division legal staff has provided individual assistance and advice to trial judges on employment related issues. Additionally, staff has provided training both on a regional and local level on issues such as Sexual Harassment, the Americans With Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, and Effective Disciplining and Terminating Problem Employees.

Rule Amendments and the Supreme Court Committee on Rules of Practice and Procedure

The Executive Director of the Division serves as Executive Secretary of the Indiana Supreme Court Committee on Rules of Practice and Procedure and assists the Committee and the Supreme Court in drafting and promulgating amendments to the Indiana Rules of Court. In 1998, staff assisted the Committee and the Court in the study, drafting and promulgation of a number of rule amendments, the most notable being an amendment to Admission and Discipline Rule 3, which governs the temporary admission of foreign attorneys. New rule amendments are now deployed on the Internet through the Supreme Court's web page on Access Indiana.

Judicial Qualifications/Nominating Commission

Pursuant to Indiana Code 33-2.1-7-3(a)(4), the Division provides legal and administrative staff support to the Indiana Judicial Qualifications Commission and the Indiana Judicial Nominating Commission in the performance of their statutory and constitutional functions. As part of this function, Division staff distributes, collects, and processes all Statements of Economic Interests submitted by judges and prosecuting attorneys.

Senior Judge Program

In 1989, the General Assembly enacted legislation allowing the Indiana Supreme Court to utilize the services of former judges who have been certified as Senior Judges by the Indiana Judicial Nominating Commission. The program, small at first, has grown into an invaluable resource of seasoned judicial talent at minimal cost. During 1998, some 1700 days of service in trial courts and the Indiana Court of Appeals were logged by senior judges. The number of senior judges statewide approaches seventy. The Division administers all aspects of the program, starting with certification by the Nominating Commission, processing of requests for appointments by the Supreme Court, and administration of payroll and benefits for the participants. During 1998, 244 requests for senior judge appointments to specific courts were processed by the Division.

Weighted Caseload Measures

Weighted caseload measures were developed as part of a two-year study of Indiana trial courts conducted by the Judicial Administrative Committee of the Indiana Judicial Conference and an independent consultant. This system of a caseload measurement applies a weighting factor to each case type based on statewide averages and activities which are conducted in that particular case category. The weighted caseload is then compared to available judicial officer time in each court. Statewide, the weighted measures indicate the need for approximately 100 additional full-time judicial officers. Additionally, a measure of relative severity

was developed and applied to the statistics. The measure represents a need-based ranking of counties calculated by apportioning the judicial shortage among the existing judicial officers. The Relative Severity Report and weighted caseload measures were the primary tools used by the legislatively created Commission on Courts in recommending to the General Assembly the addition of about thirty new state paid judicial officers.

AIMS

The Division is now in Phase III of the AIMS (Automated Information Management System) Project, which is intended to address three major points: development of software standards, development of a vendor certification program, and connectivity issues between courts in different jurisdictions. An independent consultant has been retained to complete work in the Phase III project. The AIMS prototype developed in Phase I and II is available on the Internet, along with preliminary standards developed from the prototype design. Future updates on the AIMS project will be made available on the Internet.

Indiana Conference for Legal Education Opportunity (CLEO)

During 1997 the Indiana legislature established the nation's first state sponsored Conference for Legal Education Opportunity (CLEO) and directed that the Division administer the operation under the leadership of the Chief Justice. The goal of this program is to increase the number of minority and other disadvantaged students in Indiana's law schools. The program is patterned after the well-known national CLEO program. It provides an intensive summer institute for selected prospective Indiana law school students and provides monetary stipends to those who successfully complete the institute and pursue a legal education in an Indiana law school. After the successful completion of the first summer institute in 1997 and the graduation of twenty-nine CLEO fellows, Division staff worked closely with the CLEO Advisory Committee chaired by Chief Justice Shepard to recruit and select the second CLEO Class. Also during 1998, as part of

the CLEO program, Division staff assisted in the development of a successful jobs program which helps the students gain employment experience within the Indiana legal community.

Civil Legal Aid Fund

Beginning in 1997, the Division became responsible for administering a state fund for legal assistance to indigent persons in civil cases. In 1998, the Division made two distributions, totaling one million dollars, to eleven organizations providing civil legal aid services to Indiana's poor. Distributions are based upon an analysis of each county's civil caseload, as it relates to the caseload for the entire state, and the number of organizations serving each county. During 1998, the initial structure for a data collection system was established to evaluate the extent and type of service provided by the organizations participating in this program.

Court Improvement Grant

The Indiana Supreme Court, through its Court Improvement Executive Committee and with the benefit of federal funds, continued its Court Improvement Project by funding county-level subgrantees to assist them in managing the cases of abused and neglected children. The Division serves as the project director and fiscal administrator for the program. The project could potentially span six years and involve in excess of \$700,000 in grant funds. Although the purpose and overall framework of the project are set by the U.S. Department of Health and Human Services and the American Bar Association's Center on Children and the Law, the direction and breadth of issues addressed by the Indiana program have been guided by the Supreme Court, members of its committees, and in large measure by the input of key players and primary participants in the child welfare process. The first phase of the program involved a comprehensive study of the role, responsibilities, and effectiveness of the state's judicial system in handling child abuse and neglect cases. The resultant Phase I report identified several areas of particular concern and recommended expediting Children in Need of Services cases, expanding Court Appointed Special

Advocate programs, using early intervention programs for at-risk families, developing "wrap-around" programs, initiating therapeutic foster home programs, and developing relationships with local media. Using this as a guide, eighteen sub-grantee county-level programs were initiated during 1998. Each of the sub-grantees was selected for funding based on grant applications targeting methods for achieving one or more of the goals set forth in the 1997 report.

Information Management

Pursuant to a statutory directive, the Division is to examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices serving the courts and recommend necessary changes. As part of this duty, the Division assists Indiana courts with the management of judicial information from its creation, to access, maintenance, and disposal. A core goal is the disposal of unnecessary records through the use of a records retention schedule promulgated by the Supreme Court. As part of this effort, the equivalent of seventy four-drawer file cabinets were destroyed throughout Indiana's courts in 1998. In carrying out this function, the Division publishes extensive administrative manuals covering a wide range of topics such as confidential files, protective orders, and various court forms. Statutory changes were recently made to three protective order forms which were then distributed to the courts and made available on the Internet. Staff conducted fifteen on-site visits over twenty-nine days in an effort to help courts and clerks in their information management duties.

Payroll and Claims

The Division administers the payroll and benefit program for all state trial court judges, prosecuting attorneys, and other judicial officials paid with state funds. The annual payroll account for this purpose is nearly \$40,000,000 and covers approximately six hundred individuals. Also, as part of this "paymaster" function, the Division processes and pays all claims for special and senior judge service.

Indiana Office of GAL/CASA

As part of the Division of State Court Administration, the General Assembly established an office of Guardian Ad Litem/Court Appointed Special Advocate (GAL/CASA) in 1989, to provide partial state funding to assist local courts in providing services to victims of child abuse and neglect. During 1998, eighty counties received funds from the GAL/CASA state appropriation. Also during 1998, the staff monitored the implementation of a Code of Ethics and Program Standards and conducted site visits to local programs seeking certification of compliance with the code. Seventeen programs have been certified as complying with the code. Staff also organized and implemented regional directors' meetings which provided continuing education for local CASA directors. In November, Division staff was instrumental in the 1998 Indiana CASA Conference attended by over two hundred participants and offering a variety of workshops.

Public Defender Commission

The Division is responsible for providing staff support to the Indiana Public Defender Commission. The Commission sets standards for pauper defense services for capital and noncapital cases, and administers a program of reimbursements to counties under IC 33-9-14-4. Staff visited and worked with over twenty counties on developing plans for their participation in the program. Currently thirteen counties have adopted approval plans and now participate in the noncapital reimbursement program, and more than thirty counties have expressed an interest in qualifying for reimbursement. In 1998, the Commission approved reimbursements to eight counties in capital cases, totaling \$522,058. Reimbursements in noncapital cases for 1998 were \$1,737,044.

Publications and Internet Information

The Division publishes a newsletter, *The Indiana Court Times*, as a communication link with the trial courts and their staff. The production of the *Indiana Court Times* was shifted to a bi-monthly schedule in 1998, and more regular features were added to

address the changing needs of the courts. More than two thousand entities receive the *Indiana Court Times*. In addition, the Division began work on adding information to the judicial website which is found at www.state.in.us/judiciary/. This website now contains judicial opinions, downloadable forms, information about the AIMS project, statistical reports and graphs, information about the Indiana court system, information about the Division and its staff, and all new rule amendments. The *Indiana Court Times* was also added to the website in December 1998 in a downloadable PDF format.

Automation

The Division provides all automation services to the appellate level courts and their agencies. During 1998, the technical services section installed over eighty new PCs in the appellate courts and Supreme Court agencies. A new CD-ROM and modem server were installed for use by the five Supreme Court agencies allowing the sharing of modems for access to Westlaw research, Premise, and Shepard's. The Help Desk received and responded to 596 calls during the year.

Perhaps the most significant project was the complete rewiring of the Supreme Court Justices' chambers, administrative offices, the Supreme Court Library, and the State House basement computer room to category five data wire and fiber optic closet connections. This process upgraded the speed of the network and prepared the court and its agencies for direct connection to the Internet. Two high speed T1 data lines, with routers on both ends, were installed and configured for the Internet connection. The first line provides direct connection from the Internet to the firewall and the second connects the State House to the other court offices located in the National City Center Bank building. A new AS/400 web server, firewall server, HTTP server, and Notes/Domino server were configured and installed to serve as the gateway to the Internet for the Court. A new AS/400 application/Internet E-mail server was also configured and installed. PCs for the Justices and staff attorneys were reconfigured to allow direct connection to the web server. The Indiana Judicial

Center was also directly connected to the Internet. Internet mail boxes were also moved from the Information Services Division (ISD) of the state to our own equipment, thus eliminating the need to use a modem to dial-up for Internet access.

Staff programmed and installed a new mediation tracking system for the Commission on Continuing Legal Education. It includes a registry, a financial list system, and a list of independent certifying organizations. Staff also wrote a series of twelve monthly reports for the Court of Appeals to provide management information on caseload, assignment, disposition, and case age. The attorney and microfilm applications for the Clerk's office were rewritten for Y2K. The internal Special Judge Log and claims systems were also rewritten for Y2K and for changes in the handling of claims. A new attendance tracking system was developed for the Supreme Court. The Board of Law Examiners added an LLC and LLP application and modifications were made to the Disciplinary Commission's system for Y2K and minor changes. Application programs have been checked for year 2000 compliance and found to be in good working order. Hardware platforms were also spot checked for the ability to understand the year 2000.